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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,853	02/25/2005	Karl-Fritz Heinzelmann	ZAHFRI P 727US	9586

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DAVIS & BUJOLD, P.L.L.C.
112 PLEASANT STREET
CONCORD, NH 03301

EXAMINER

PANG, ROGER L

ART UNIT	PAPER NUMBER
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3681

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/20/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/525,853	HEINZELMANN, KARL-FRITZ	
	Examiner	Art Unit	
	Roger L. Pang	3681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The following action is in response to the amendment filed for application 10/525,853 on November 13, 2006.

Drawings

The drawings were received on November 13, 2006. These drawings are approved.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Stine '096.

With regard to claim 9, Stine teaches a transmission 12 for a motor vehicle, having a transmission input shaft 16, a transmission output shaft 28A, and at least one countershaft 26A, the transmission input shaft, the transmission output shaft, and the at least one countershaft each supporting at least one gear (Fig. 1), the transmission having a transmission direct gear for directly coupling the transmission input shaft with the transmission output shaft (via 6); and an area group 14 being arranged downstream of the transmission, the area group having an area group input shaft 120 and an area group output shaft PS and an area group direct gear for directly connecting the area group input shaft to the area group output shaft (via 126 & 128); wherein when the transmission direct gear couples the transmission input shaft to the transmission output shaft and when the area group direct gear directly connects the area group input shaft to the area group output shaft, only the transmission input shaft, the transmission output shaft, the area

Art Unit: 3681

group input shaft and the area group output shaft, along with associated shift elements of the transmission direct gear and the area group direct gear, rotate so as to minimize friction losses within the transmission and the area group (Fig. 3; ratio 15). With regard to claim 12, Stine teaches the transmission, wherein the area group direct gear includes an area group-connecting element 128 for directly connecting the area group input shaft 120 to the area group output shaft PS.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11, and 13-15 rejected under 35 U.S.C. 103(a) as being unpatentable over Frost '959 in view Anthony '322. With regard to claim 9, Frost teaches a transmission 20 for a motor vehicle, and an area group 22 being arranged downstream of the transmission, the area group having an area group input shaft 24 and an area group output shaft 26 and an area group direct gear for directly connecting the area group input shaft to the area group output shaft (via 82); when the area group direct gear directly connects the area group input shaft to the area group output shaft, only the area group input shaft and the area group output shaft, along with associated shift elements of the area group direct gear, rotate so as to minimize friction losses within the area group (High-Range). Frost lacks the teaching of the specifics of the transmission. Anthony teaches a transmission having a transmission input shaft 1, a transmission output shaft 2, and at least one countershaft 3, the transmission input shaft, the transmission output shaft, and

the at least one countershaft each supporting at least one gear (Fig. 1), the transmission having a transmission direct gear for directly coupling the transmission input shaft with the transmission output shaft (via 20); wherein when the transmission direct gear couples the transmission input shaft to the transmission output shaft, only the transmission input shaft, the transmission output shaft, along with associated shift elements of the transmission direct gear, rotate so as to minimize friction losses within the transmission and the area group. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Frost to employ the transmission in view of Anthony in order to provide a transmission with noise and wear reduction (Abstract). With regard to claim 10, Frost teaches the transmission, wherein the area group comprises a planetary gear set (Fig. 2). With regard to claim 11, Frost teaches the transmission, wherein the area group has first 82, second 86 and third 88 area group shift elements and upon engagement of the first area group shift element 82, the area group input shaft is directly coupled to the area group output shaft, and upon engagement of the second and the third area group shift elements 86,88, the area group input shaft is indirectly coupled to the area group output shaft via the planetary gear set (Locked 4WD Overdrive). With regard to claim 13, Anthony teaches the transmission, wherein the transmission comprising a drive constant gearing 5, supported by the transmission input shaft, which is engageable via a first transmission shift element 7. With regard to claim 14, Anthony teaches the transmission, wherein the transmission comprising first and second drive constant gears 5,6 with a shift collar 7 located between the first and second drive constant gears, and gearings of the first and the second drive constant gears are supported by the transmission input shaft such that the gearings of the first and the second drive constant gears can be engaged or disengaged via transmission shift elements (Fig. 1). With

Art Unit: 3681

regard to claim 15, Frost teaches a transmission 20 for a motor vehicle; and an area group 22 being arranged downstream of the transmission, the area group having an area group input shaft 21 and an area group output shaft 26 and an area group direct gear for directly connecting the area group input shaft to the area group output shaft (via 82); wherein when the area group direct gear directly connects the area group input shaft to the area group output shaft, the area group input shaft and the area group output shaft, along with associated shift elements of the area group direct gear, rotate so as to minimize friction losses within the transmission and the area group (High Range). Frost lacks the teaching of the specifics of the transmission.

Anthony teaches a transmission having a transmission input shaft 1, a transmission output shaft 2, and at least one countershaft 3, the transmission input shaft, the transmission output shaft, and the at least one countershaft each supporting at least one gear (Fig. 1), the transmission having a transmission direct gear for directly coupling the transmission input shaft with the transmission output shaft (via 20); wherein when the transmission direct gear couples the transmission input shaft to the transmission output shaft, at least one freely rotatable gear 5 on the transmission input shaft is uncoupled therefrom and the at least one freely rotatable gear 10 on the transmission output shaft is uncoupled therefrom and only the transmission input shaft, the transmission output shaft, along with associated shift elements of the transmission direct gear, rotate so as to minimize friction losses within the transmission and the area group. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Frost to employ the transmission in view of Anthony in order to provide a transmission with noise and wear reduction (Abstract).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Galicher and Thomas have been cited to show similar transmissions.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

FACSIMILE TRANSMISSION

Submission of your response by facsimile transmission is encouraged. The central facsimile number is (571) 273-8300. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing

Art Unit: 3681

and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check should not be submitting by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on _____ (Date)

Typed or printed name of person signing this certificate:

(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your

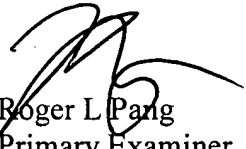
Art Unit: 3681

response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roger L. Pang whose telephone number is 571-272-7096. The examiner can normally be reached on 5:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Roger L. Pang
Primary Examiner
Art Unit 3681

December 15, 2006